GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD Department – Departmental proceedings against Sri D. Seetharam, the then AEE, PIU, Penukonda, Anantapur District, now retired as AEE, at MPP, Gudipalli, Chittoor District for committing irregularities in execution of the road work from Hindupur to Pilligundla Via Kethepalli, Manuru and Y.B. Halli taken up under PMGSY Phase-VI (Rolla Mandal), of Ananthapuramu District– Imposition of penalty of 2% (two per cent) cut in pension for a period of one (1) year- Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 680 **Dated: 26-11-2020.**
Read the following:-

1)G.O.Rt.No.95, PR&RD(Vig.II)Dept.,Dated:03-02-2015.
2)G.O.Rt.No.815, PR&RD(Vig-II)Dept.,Dated:20-08-2015.
3)From Smt. K. Padmaja, Chief Engineer, PR, Lr.No.Enquiry Reports/Pilligundla Road/ATP Dt:29-01-2018.
4)Govt.Memo.No.9085/Vig-II/2014-13, PR & RD (Vig-II) Dept., Dt:17-9-2018.
5)Representation of Sri D. Seetharam, the then AEE, PR, Penukonda, Ananthapuramu District Dt:01-11-2018.
6)Govt.Memo.No.9085/Vig-II/2014-16, PR & RD (Vig-II) Dept., Dt:08-06-2020.
7)Representation of Sri D. Seetharam, the then AEE, PIU, Penukonda, Anantapur District now retired at MPP, Gudipalli, Chittoor District.
8)Govt.Letter No.9085/Vig-II/2014-17, PR&RD(Vig-II)Dept., Dt:21-09-2020.
9)From Secretary,APPSC, Vijayawada Lr.No.320/DC&C/2020, Dt:06-11-2020.

ORDER:

In the reference 1st read above, disciplinary proceedings were initiated by framing charges against Sri D.Seetharam, the then AEE (PR) PIU Penukonda, Anantapur, now retired as AEE, at MPP, Gudipalli, Chittoor District for committing irregularities in execution of the road work from Hindupur to Pilligundla Via Kethepalli, Manuru and Y.B. Halli taken up under PMGSY Phase-VI (Rolla Mandal), of Ananthapuramu District, under Rule 20 of APCS (CC&A) Rules, 1991 r/w Rule-9 of A.P. Revised Pension Rules, 1980, along with (4) other Engineering Officers.

2. In the reference 2nd read above, Smt. K. Padmaja, Chief Engineer, Panchayat Raj was appointed as Inquiry Officer, for conducting detailed enquiry into the charges framed against Sri D. Seetharam, the then AEE, Penukonda, now retired as AEE, at MPP, Gudipalli, Chittoor District along with (4) other Engineering Officers.

3. In the reference 3rd read above, the Inquiry Officer has submitted her inquiry report, holding that the charge is not proved against Charged Officer. Government, after examining the said enquiry report, have decided to disagree with the findings of Inquiry Officer and accordingly communicated the following disagreement factors along with a copy of inquiry report to charged officer, as required under Rule 21(2) of APCS (CC&A) Rules, 1991 and he has directed to submit his representation on the inquiry report and the disagreement factors vide reference 4th read above.

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"A perusal of the inquiry report of Inquiry Officer indicates that the Inquiry Officer has not analysed and assessed the documentary evidence available on the record for the charged officer. She has not given any clear findings on charges in her report much less on each of the charge against the charged officer whether it is proved or not.

On the other hand, she has given general findings,. Under points 1 and 4 of her findings, she stated that the deficiencies pointed out on the road by V&E were rectified by the Contractor at his own cost, that the results of QC tests conducted by the department officials subsequently were within permissible limits, and that an amount of Rs.13,53,090/- was recovered from the Contractor as per V&QC, Kadapa and V&E reports. Under points 5,6 and 7, enclosing the photos of the existing road after rectification, she reported that the road was made traffic worthy and handed over to R&B Department, in traffic worthy condition and they have certified the same. Points 2 and 3 of her findings are not relevant to the charges framed against the charged officer.

Above findings by the Inquiry Officer clearly indicate that the Inquiry Officer has not enquired into the charges i.e., alleged irregularities said to have been committed by the Charged Officer in allowing and recording the items of work OGPC in Km 3.0 to 4/0, 5/0 to 6/0, 11/0 to 12/0, 14/0 to 15/0, 18/0 to 19/0, 24/0 to 25/0, 25/0 to 26/0,29/0 to 30/0, 32/0 to 32/500 as well as the slab culverts 32/0, 30/6+106, 26/0_60.70 and 23/4+109 and CC pavements 31/6 to 31/8, 30/2 to 30/6, 25/0 to 25/2, 12/2 to 12/4, 10/0 to 10/6 and 1/2 to 1/6 which were not executed as per agreement specifications. These works were executed with substandard quality and the charged officer has recorded the same without proper verification and assessment of quality of work. These works are liable for rejection and the rejected value of the works was Rs.29,51,700/- towards OGPC and Rs.8,89,672/- towards slab culverts. She has embarked herself on considering the aspect of rectification of the deficiencies pointed out by V&E and QC wing i.e., beyond the period under consideration for the Articles of Charge and concluded that the charge is not proved based on the road worthy certificate issued by R&B on 13-09-2017. This conclusion has no logic in it.

4. In the reference 5th read above, the Charged Officer has submitted his representation on the Inquiry Report and the disagreement factors, stating among other things that, it is not possible to the AEE at site during complete part of execution as he has to look after many works at the same time apart from attending regular meetings. Further, the contractor's rollers passed over the culverts for attending bitumen works and pavements were damaged by the villagers and they were used before curing. Less strength of concrete may be only due to improper curing, for which he was not responsible as AEE, it is not possible to attend every work every day. There were no adverse remarks on strength of concrete by the V&QC wing. The deficiencies pointed out by the V&E Officials were rectified by the contractor at his own cost and made the road traffic worthy. As per Inquiry Officer report, the article of charges are not proved, he has requested to drop the charges framed against him.

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5. Government after careful examination of the matter, have provisionally decided to impose the penalty of 2% (two percent) cut in pension for a period of one (1) year against Sri D. Seetharam, the then AEE, Penukonda, Anantapur District, now retired as AEE at MPP, Gudipalli, Chittoor District under Rule 9 of APRPR, 1980, in this matter and accordingly vide reference 6th read above, show cause notice was issued on him on the proposed penalty. In the reference 7th read above, the Charged Officer his submitted his reply duly reiterating the earlier contentions. It is therefore considered to impose the penalty on the C.O. as proposed and consulted the APPSC in the matter. The APPSC in the reference 9th read above has concurred with the proposal.

6. Government, after careful examination of the matter hereby order to impose the penalty of 2% (two per cent) cut in pension for a period 1 (one)year under APCS (CCA) Rules, 1991 r/w Rule-9 of APRPR 1980 against Sri D. Seetharam, the then AEE, Penukonda, Anantapur District, now retired as AEE at MPP, Gudipalli, Chittoor District, for committing irregularities in execution of the road work from Hindupur to Pilligundla Via Kethepalli, Manuru and Y.B.Halli taken up under PMGSY Phase-VI (Rolla Mandal), of Ananthapuramu District.

7. The Engineer-in-Chief, Panchayat Raj, Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVENROR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
Sri D. Seetharam, the then AEE, Penukonda, Anantapur District now retired as AEE at MPP, Gudipalli, Chittoor District (through ENC, PR, Vijayawada)
The Engineer-in-Chief, Panchayat Raj, Vijayawada (in duplicate with a request to obtain and furnish the dated acknowledgment of the orders)
Copy to:
The Secretary, APVC, Secretariat Building-5, Velagapudi.
The General Administration(V&E)Department w.r.t Vigilance Report No.68 (464/V&E/E1/2011) dt:23-4-2014.
The Secretary, APPSC, Vijayawada (w.r.t letter No.320/DC&C/2020 Dt:06-11-2020)
The Accountant General, AP, Vijayawada.
The Superintending Engineer, Anantapuramu District.
The Superintending Engineer, Chittoor District.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER